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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,968	11/28/2006	Koichi Otsuki	060131	7177
23850 7590 10/01/2009 KRATZ, QUINTOS & HANSON, LLP 1420 K Street, N.W. Suite 400 WASHINGTON, DC 20005			EXAMINER PURDY, KYLE A	
			ART UNIT 1611	PAPER NUMBER
			MAIL DATE 10/01/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10567968	11/28/2006	OTSUKI ET AL.	060131

## EXAMINER

Kyle Purdy

## ART UNIT PAPER

1611 20090930

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

## Commissioner for Patents

The reply filed on 07/01/2009 is not responsive to the Office Action mailed on 06/03/2009 because of the following omission(s) or matter(s): The restriction/species requirement dated 06/03/2009 required a two-part election. An election of A) an antiviral agent and B) a form of composition. In Applicants response to the requirement, Applicant elected A. This is incorrect. Applicant was required to elect a species of antiviral agent and form of composition for examination on the merits. Examples of disclosed antiviral agents include a powdered calcium and/or magnesium oxide and/or hydroxide. Applicant is also required to elect a form of composition such as a powder, or a fabric. Applicant is not to elect one or the other (A or B) but rather identify a specific species within both so that the Examiner can narrow and focus their search.

See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a). Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle Purdy whose telephone number is 571-270-3504. The examiner can normally be reached on M-R 9-4:00 EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sharmilla Landau can be reached on 571-272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000

/Kyle Purdy/  
Examiner, Art Unit 1611  
September 30, 2009

/David J Blanchard/  
Primary Examiner, Art Unit 1643